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SENT VIA ELECTRONIC & REGULAR MAIL

John R. Jacus
Davis, Graham & Stubbs
1550 17th Street, Suite 500
Denver, CO 80202

Re: Hecla Mining Co., Docket No. RCRA-8-99-06
Proposed RCRA 7003 Consent Order and
Closure Work Plan

Dear John:

This letter pertains to both the proposed RCRA 7003 consent order and closure work plan for Hecla's Pond 2 located on the Shivwits Band of Paiute lease property. As we discussed on February 1st, EPA desires to continue negotiating the RCRA 7003 consent order inclusive of a closure work plan following the results of the October 2001 site sampling and investigation. As the October 2001 site visit and resulting report provided answers to many previously-unknown questions concerning the site and possible seepage migration, the scope of contested closure issues has been significantly narrowed. Based on the newly-obtained information, EPA believes that successful negotiation of a closure work plan simultaneous with negotiating a RCRA 7003 consent order may now be possible and encourages Hecla to work with the Agency toward this end.

With regard to the RCRA 7003 consent order, I have attached a draft version intended to serve as the starting document for the next phase of negotiations. This draft is based on Hecla's revised RCRA 7003 draft consent order dated August 31, 2000, wherein Hecla noted numerous specific changes to a prior EPA version in either strikethrough or redline format. Using the new version, EPA has focused on the closure work plan and deleted all previous references to sampling and analysis except where necessary. The "Work to Be Performed" section has changed significantly from earlier draft versions to reflect the new focus on closure rather than already-completed sampling and characterization. The remaining sections of the document for the most part reflect language changes proposed by Hecla in its August 31, 2000 draft. Only those changes proposed by Hecla and not approved by EPA remain in the original strikethrough or highlight form last proposed by Hecla. The current draft revision also includes redline language reflective of newly-suggested EPA changes for Hecla's consideration. These proposed



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changes arise from the findings and conclusions of the October 2001 site visit and resulting impact on the scope and content of the RCRA 7003 consent order. Please note that for ease of reference, the paragraph numbers in the new version are the same as in the August 2000 draft.

As previously stated, the majority of EPA's recommended redline changes pertain to the "Work to Be Performed" section of the draft RCRA 7003 consent order. Because of the parties' revised agreement as to the scope of work under the RCRA 3013 order and the October 2001 sampling results, EPA's sampling and investigatory requirements need no longer be included in the RCRA 7003 consent order. EPA proposes, therefore, deleting the majority of the existing draft Work to Be Performed language and including only language relating to the scope and process for closure and reclamation. As for the actual closure work plan, EPA suggests that it be prepared separate from the 7003 consent order, preferably simultaneous to finalizing the consent order but at the very least, within forty-five (45) days of its filing as the consent order provides.

With regard to the closure work plan, EPA asks that Hecla include both the main impoundment and the evaporation pond located immediately adjacent to the impoundment on the southwest side. It is EPA's understanding that the closure work plan will closely follow the conceptual work plan set forth in the October 2001 report for dewatering. Although the conceptual plan set forth in the October 2001 report postpones the development of reclamation plans and designs until dewatering has been implemented, EPA requests that such plans be included in Hecla's draft closure work plan so that the parties may agree on the full scope of the project at the time that the RCRA 7003 consent order is executed. Please be aware in drafting the closure work plan that EPA is not requiring a RCRA C cap for the impoundment at issue and is instead willing to consider alternative reclamation efforts.

Because one of the main issues associated with closure is water management, EPA further asks that Hecla include in its draft closure work plan a water management plan to address the liquid captured during the dewatering phase. Specifically, EPA asks that Hecla address the issue of increased levels of arsenic in the soils on top of the impoundment that occurs from concentration due to the evaporation of arsenic-contaminated seepage water that Hecla collects from the seepage impoundment and redeposits on top of the impoundment. In particular, EPA requests that Hecla address its plan for dealing with the residual contamination and later sampling and excavation relating to the recaptured liquids. Relatedly, EPA requests that Hecla specify its plans for minimizing infiltration and maximizing evaporation, and treating and disposing of the run-off liquid. While EPA is opposed to Hecla building a separate cell for water evaporation, it is amenable to considering other options presented by Hecla.

As formerly agreed, Hecla need only perform a minimal risk assessment. Please refer to Step 1 and Step 2 of the 8-step ecological risk assessment process for Superfund entitled "Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments, July 1997." This document was previously mailed to you pursuant to a letter dated February 1, 2001, and can also be downloaded from EPA's website at www.epa.gov/superfund/programs/risk/ecorisk.